

Judge Shadowing at the University of Manitoba & Canada's First-Year Law Curriculum

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I. INTRODUCTION

Get out of the classroom and into the courtroom. Let the law-in-action energize the brain and the heart, while humanising the casebook. This is the main motive for The University of Manitoba, Faculty of Law's Judge Shadowing Program, as part of its first-year curriculum. Student evaluations consistently rank it highly, describing it as: "the best part of first-year learning ... that brings together everything in the courses and adds a dose of reality." In short, this sort of experiential learning puts earth beneath the ethereal doctrinalism of casebooks stuffed with appellate court judgments.

Before law schools located within universities, students, through a provincial law society, attached themselves to law firms as apprentices with practitioners lecturing before and after courtroom hours. This was learning by "lawyer shadowing", a regime that included carrying the lawyer-mentor's briefcase from a downtown office to the courtroom, learning to fill in blank forms for clients, and then observing judges hear and act on the same. Canada now consolidates this into fourth-year, post-university articling,

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administered by each law society in a bar admission program. Such belated “lawyer shadowing” still leaves a “judge shadowing” gap in law student learning.¹ What is needed is an open door into a court’s registry and then into a judge’s chamber and courtroom. Judge Shadowing does this, allowing students privileged access to observe first-hand diverse procedural events, whether a criminal charge and bail hearing or a civil discovery, for trial and then criminal sentencing or civil judgment.

Some accredited North American law schools offer a downtown courtroom tour, usually for the more glittery criminal trials (fictionally more accessible on television!). Such field trips, however, cannot directly engage any student with a judge and with mundane workings of the justice system, horizontally within each court and vertically from magistrate up to appellate courts. They remain tourists, not students. There can be no participatory learning-by-case-file, no sustained hands-on and behind-the-scenes encounters, with the judge-as-mentor. Students might learn more about a law court when answering their own traffic summons! The standard for North American law schools remains mostly a classroom contained, campus located curriculum, even for programs labeled clinical or moot.² Since 2000, Manitoba’s law faculty and judiciary have uniquely combined to change that reality.

II. LOGISTICS

Judge Shadowing begins at Robson Hall each January as equivalent to a one-credit, first-year perspective course. Originally designed as the Winter semester’s complement to the Fall semester’s Legal System course syllabus, it helped to prepare students with institutional topics and themes potentially observable in action in any courtroom. Judge Shadowing has its own course materials, handed out in the first week in January, when sample courtroom

¹ We can even add “legislator shadowing”, where internship programs can be available in federal/provincial legislatures and where law students can learn some intricacies of statute and regulation making. Robson Hall’s Judge Shadowing does include one class meeting at the Manitoba Legislature on legislative drafting.

² While I was teaching at the University of Illinois, Champaign-Urbana 1981-2, Elmer Gertz (1906-2000) visited their undergraduate Pre-Law Society, after having defended Jack Ruby, convicted killer of Lee Harvey Oswald, accused assassin of John F Kennedy. When asked about how well-prepared he had been at the University of Chicago Law School, in the pre-World War II era, he said that he graduated with his head full of case-book precedents and doctrines, without knowing even a street address for the downtown law courts.

procedural blank forms (e.g., a statement of claim, indictment, divorce application) are analyzed in preparation for meeting the judges and case files.³ With this background information, students start Judge Shadowing, as a separate unit in their first-year curriculum. This requires a full-time faculty coordinator and a downtown Law Courts administrator with immediate access to the judges.

Each November these two coordinators bring four judges to meet the 100-plus first-year students in Robson Hall's Moot Court Room for a one hour orientation. By then the faculty coordinator has invited students to create their own groups of three or four and to agree which of the three winter semester months each group will prefer. The four judges represent the Provincial Court, the Court of Queen's Bench and the Court of Appeal. Each describes the court's inside operations: its jurisdiction, its rules, the patterns of litigation and the judge's daily duties, as well as the degree of participation that each student group can expect. With these basics in place, the logistical challenge of matching groups with judges can begin.

Each of the thirty-plus groups must be matched with a Provincial Court Judge's anticipated Winter docket (rarely fixed prior to the week before!) and that of a Court of Queen's Bench Justice. This can only be done in close harmony with the downtown Law Courts coordinator, who is seconded to this project by the Chief Judge and Chief Justices, respectively. Without this, the entire project could not succeed.

At Robson Hall, class scheduling for the Winter semester blocks out all Monday class hours exclusively for Judge Shadowing. That is the week's single busiest court docket day for both trial courts. Having the one fixed day not only gives a stable calendar for judges and students; it prevents competition for campus time with faculty colleagues and their courses, so that no student

³ For example, the Fall semester's preparatory topics for Winter's Judge Shadowing originally included a survey of the English judicial system and common law language since Henry II (including its Latin vocabulary for the forms of action and its Law-French for pleadings), an outline of jurisprudential assumptions and interdisciplinary legal theory, common v civil systems, equity and precedent, statutory interpretation and legal reasoning, sources of law (including Aboriginal custom and federal-provincial case and statute laws), human rights law, and judicial procedures (from indictment/statement of claim through evidence, fact, interpretation, jury trial, judgment and sentencing). Currently, many of these Legal System's substantial and procedural subjects have been replaced at Robson Hall by anti-discrimination topics focused on gender, sexuality, race and Aboriginal-Métis equality issues; but this either/or approach can create a disconnect between the two semesters, separating theory from practice.

has a Monday class to cut in order to get downtown to court. The rest of the first-year Winter curriculum, specifically the five core courses, happens in the remaining four days of the week.

There are usually forty full-time judges in each trial court, plus several supernumeraries; and the two coordinators need to invite each individually to participate. Two-thirds and more respond positively, after receiving an updated copy of the syllabus. This reassures the judges by defining courtroom and chamber protocols, including a student dress code, respect for front door security, strict adherence to time schedules, and cautions about confidentiality when discussing with the judge any case and case file they are observing. By the end of the Fall semester the student groups must be in place, so that the judges can begin planning their roles in the syllabus, hosting one or more of the groups in the new year. Styles will differ. Some judges will insist on preliminary meetings in chambers, even offering lunch, while others will wait until the week before. Students are urged to accept any judge's invitation to observe the Youth Remand Centre or "contested traffic cases," and extra sittings or events on Mondays and at places other than the Law Courts (provided no time conflict is created with other Robson Hall courses). Two Provincial Court Judges in the Winter 2013 semester even volunteered driving their student groups to a day of circuit court sittings, which added a hugely enriching local dimension to their encounters with more rural parties and issues.

Each student group is assigned one Provincial Court Judge and one Court of Queen's Bench Justice.⁴ Responsibility for a group's communicating and scheduling with both judges rests entirely with its volunteer "contact person," acting as liaison by telephone and e-mail. That "contact person" is also the group's direct connection for the faculty coordinator, if misunderstandings arise. This sets up the direct mentoring network, between judge and student.

As already mentioned, each student will have been supplied with a set of blank form court documents for initiating criminal and civil pleadings, including the indictment, the statement of claim, and bail/custody applications. They will begin to know what their paper trail job will be in legal practice. The Provincial Court, with at least eighty-five percent of its business

⁴ There are currently 7 regular and 3 supernumerary Justices of the Manitoba Court of Appeal, managing an unpredictable calendar, so no mentoring of the thirty-plus groups can work; thus, students are required to arrange to observe their own "sitting" and to report the same in their essay.

rooted in the *Criminal Code*, mesmerizes most students and depresses some. They see immediate disjunctures between what they are learning in first-year Criminal Law and the realities of a mass production line process that is constantly interrupted by document delays, with uninformed and intimidated accused youths (the majority being Aboriginal or Métis), defended by over-extended legal aid lawyers or having to be the self-represented, facing crown prosecutors who have just been handed the case file upon arrival in court. This baptism-by-fire usually extends to time spent with the judge in the Youth Remand Centre, the custodial lock-up, and in bail hearings. It is often a chastening corrective to any principles and “typical” appellate case judgments pre-selected in their first semester doctrinal course casebook.

III. SYLLABUS

Robson Hall's Winter semester Judge Shadowing is complemented by its first-year Legal Methods research-writing course, which further prepares students with specific instructions for note-taking and for law library statutory and case research methods, better informing them for how to observe courtroom cases. The Judge Shadowing Program is graded Pass/Fail,⁵ based solely on participation and a four-to-six page essay, to be written and submitted two weeks after the student's final shadowing. The faculty coordinator treats their essays as first drafts, applying a notorious red pen to make this a supervised writing exercise. Not all appreciate scrutiny of their prose style, grammatical errors, run-on sentences, persistent passive voice verbs, tense-jumping verbs (past to present to past), misplaced punctuation, clumsy syntax and failure to footnote and cite succinctly – until reminded that in a few years they will be judged by their literary skills by downtown lawyers and judges! Students come from a rich diversity of academic programs and job experiences; but too often they have few supervised writing exercises, after an undergraduate career full of grades and multiple choice exams but devoid of instructor-monitored rhetoric and composition skills. Too often their first-draft essay's level of criticism for the observed courtroom happenings is cosmetic only: he “looked” guilty, was confused, angry, the witness contradicted herself, the lawyer attacked character and cited no law,

⁵ This is currently under review, based on student course evaluations asserting that Pass/Fail lowers their priority for this essay, alongside a strictly graded core curriculum.

the judge interrupted! Their essay's purpose must be to focus on how fact and law supply substance for judgment.

The Judge Shadowing syllabus then identifies the essay's content and focus, guiding them for reporting what students encounter and observe. They are expected to report how the adversarial arguments they witnessed were constructed: (1) out of evidence, as the basis for fact-making, as controlled by the parties and their counsels; and (2) out of authority, meaning statute, case law and regulation, cited and uncited, as controlled by the court. This usually requires each student to search the law library afterwards, checking and adding legal references. These epistemological challenges escape most first draft essayists. Instead, they mainly report detailed events as reconstructed for the court, in a two-dimensional, flat "... and then ... and then" prose, case-by-observed-case. They love to re-tell the story but too often miss the strategies. In the Provincial Court they discover its monotony more often than the deeper constructs of evidence and authorities being shaped into arguments. Once back in chambers with the Judge, the student group can be guided toward the substance behind the assembly line routine of the criminal justice system. One traumatic break comes if their Judge takes them to the Remand Centre, seeing bewildered, often defiant and defenceless youths, many with little personal support.

In encounters with Court of Queen's Bench processes, the student group may observe only one or two cases, each *in media res*, sometimes not at the beginning or through to the end. As a result, the essay has to focus more on argument formation than on the case's two-sided stories; and the different roles of law, cited and especially uncited, become more immediate. Here each Justice plays a crucial role in chambers discussions with the student group, before and after the court sitting. Issues joined are usually either criminal, with luck before a trial jury, or civil, mainly in family law, with mediatory options at each stage. Counsel may object to the student group's presence, regarding confidentiality, and the Justice then negotiates this, usually in favour of the students. The court's case file is available at all times to the student, at the registry and in the Justice's chamber; and often counsel will stay around after court to answer student questions. Ideally the student gets full exposure to the court's actors, except for the parties themselves.

The Court of Queen's Bench, as the senior trial level, lends itself better than Provincial Court to a student's eyes-and-ears diagnosis of how courtroom strategies are shaped. And when the Justice or Master, in chambers after the courtroom sitting, asks the student group "what should I do, and why?" the learning impact of Judge Shadowing peaks. She's asking me?

Judge Shadowing need not be limited to a courtroom, since that is not where most lawyers practise. The rest of the legal system may also open its doors to first-year law students. Certainly the inside of the provincial legislature deserves equal attention. Judge Shadowing has recently added an afternoon session at "The Legislature", with two senior legislative drafters displaying their step-by-step skills, from the pre-bill stage to an act's proclamation. And what about administrative tribunals? municipal councils? the police services building? the youth remand centre? any gaol or prison? the crown prosecutor's offices? the law society (perhaps for disciplinary proceedings)? Without getting too carried away with the value of on-site sessions, there's no underestimating the learning role for first-year, first-hand exposures to the realities of law and its systems.

IV. OTHER PROJECTS, CONTEXTS, AND COPIES

Experiential learning is legal education's latest 'buzz phrase', tailored to whatever takes a law student into applied law. For example, Washington and Lee University, School of Law (Lexington, Virginia), like many North American faculties, promises an "entirely experiential" third year curriculum. On inspection this is limited to on-campus course clustering for their clinic, moots, alternative dispute resolution (ADR), legal aid and trial advocacy programs, sometimes employing practitioner visitors and simulation exercises. No mention of even a courthouse tour!

Across Canada, including Québec, the first-year law curriculum is loaded with the standard doctrinal courses in the laws of Contracts and Torts (Obligations), Property, Criminal and Constitutional, a so-called "sacred five" anointed by Dean Christopher Columbus Langdell in late-nineteenth century Harvard Law School and now mandated by Canada's Federation of Law Societies. That leaves little student time for "experiential learning". Only the University of Calgary, and its curricular protégé at Thompson Rivers University, requires something called a first-year "Legal Skills" course, while nine other Canadian law schools require "Research and Writing", which at Manitoba's Robson Hall is part of its Legal Methods course. Still no sign of a law court visit! For second-year and third-year curricula, under "experiential learning", many Canadian law schools group optional on-campus course credits for the usual clinic, moots, legal aid and advocacy exercises. Judge Shadowing at Robson Hall uniquely takes first-year students beyond any such patch-work fashionably clustered under "experiential learning".

Outside law schools there are various examples of courtroom “shadowing” invitations for public education. The Ontario Justice Education Network (OJEN) began in 2002. More recently it has offered a one-day visit for high school teachers only, in their Superior Court of Justice and the Ontario Court of Justice, in Toronto and several regions. This is part of a public relations schools program, funded by Ontario’s Law Foundation, Trillium Foundation, Law Society and Justice Canada. It is not part of any law school’s curriculum. Similar high school programs for select students exist in such places as Calhoun County, Alabama, at the Nebraska Supreme Court, even at Florida’s private Coastal School of Law, and elsewhere as part of “Law Day” events.

Across the Atlantic there is a “Judicial Work Shadowing Scheme” organized by the Judicial Office for England and Wales, offering up to three days of visitations with High Court, Circuit Court and District Court judges, and more recently in select administrative tribunals. This is open only to established lawyers, as aspiring judges, who must sign a declaration of non-disclosure for anything heard and seen.

Neither the high school nor the judge training models bear any resemblance to Robson Hall’s course-based approach which, however, has had several flattering attempts at partial adoption elsewhere. In two instances two Manitoba Court of Queen’s Bench judges enthusiastically have tried to export Judge Shadowing while on judicial sabbaticals. Former Associate Chief Justice Jeffrey Oliphant made the attempt at the University of Victoria, as did Justice Ken Hanssen at the University of Calgary in 2004-5. Both took the Manitoba syllabus with them as the model. Both faculties accepted the experiment, but made student participation optional, limited in number and open only to first-year students at Calgary and third-year at Victoria (where it is currently suspended). Calgary gave about 80 volunteer students a one-day access over nine weeks to several Court of Queen’s Bench Justices, for “following around” and asking questions. At the University of Alberta, Justice John D. Rooke (while an LL.M. candidate) wrote a report in 2009 urging replication of the Calgary version, which considerably shrunk the Manitoba model and its syllabus. In the Winter 2009, forty-five students opted to shadow nineteen Edmonton based Justices, outside the curriculum and without academic credit, volunteering a brief evaluation of the experience at the end. In 2011, Justice Donald Lee was its downtown coordinator, while that program was struggling to find a place within the University of Alberta law curriculum.

At Queen's University, a law student initiative in 1995 created a similar tourist program for individuals or groups, called the "Law Shadow Program" for visits to law firms and courts. Students choosing to go to court accepted strict guidelines drafted by Justice Rose Boyko regarding confidentiality. Only a third of first-years now choose to link individually for one day with a volunteer alumnus, who can be a lawyer or judge as far away as Toronto, Vancouver or Ottawa. On a smaller scale the same happens at the University of Windsor and the University of Western Ontario, albeit with fewer and fewer participants. None of these one day tours are academic, required, curricular, or evaluated; and all operate as part of the law school's Career Services office.

All of the above begs the question: should Judge Shadowing be a formal, fixed part of any first-year law curriculum, as the Manitoba model uniquely requires? If so, how and why? Perhaps it can serve students better if delayed until second or third year, either as part of a professional skills or ethics course, or as a separate apprenticeship program, before articling. Once a law faculty adopts Judge Shadowing, such locational options can be adapted in conjunction with local judicial cooperation.

V. FIRST-YEAR CURRICULUM CONTEXT

Faculty can reform curriculum by accretion or by root-and-branch.⁶ The line of least resistance usually prevails, whereby we add topical courses focused on research interests of newer colleagues; and then, every ten years or so, we purge those of departed colleagues. What law faculties find nearly impossible is to go back to the drawing board, to assess curriculum parts based on a consensus that addresses updated professional and public needs. The one Gibraltar that stands rock solid remains the Langdell inspired, casebook based, five starred core of first-year curricular doctrinalism: property, contracts, torts, criminal and constitutional. It is easy to caricature this unchallengeable curricular territory, especially when it is stuck in the Professor Kingsfield 1960's era: Socratic/sarcastic method, slavish use of a casebook, a rule mechanics mentality, a student underground of circulated course "cans", a premium on memorization, and then the dreaded one hundred percent final in April.

⁶ Philip H Osborne & Alvin Esau, "Curriculum Reform at Robson Hall" (1990) 19:3 *Man LJ* 605.

No wonder that Judge Shadowing offers a vital antidote in any law school.

Most modern first-year core course teachers have moved beyond this caricature to a structured, predictable syllabus, periodic exams, library and internet research assignments, and even drafting exercises. For Judge Shadowing, finding a place in the first-year remains critical. It can be isolated (as at Robson Hall) or integrated into an existing course, possibly even one of these five core courses.

A more bold approach is to make room by re-arranging the first-year five course mold, for example as the University of British Columbia has recently reformed by accretion, adding one semester “Transnational Law” and “The Regulatory State” courses to their two-semester core of five. McGill, with its unique Bachelor of Civil Law/Bachelor of Laws first degrees, reportedly came close to a root-and-branch debate before keeping four of the sacred five, making Criminal Law a second semester option. The full first-year sacred five curriculum remains entrenched at Alberta, British Columbia, Calgary, Dalhousie, Manitoba, New Brunswick, Osgoode, Ottawa, Queen’s, Saskatchewan, Toronto, and Western. Windsor delays Torts to second year, Osgoode and Dalhousie have renamed Constitutional but the substance appears to be the same, with a greater focus on the *Charter*. And adjusting for the *Québec Civil Code*, with Torts and Contracts in the one Obligations course, at Laval, Montreal, UQAM and Sherbrooke, one need only translate to French the five core titles, with an added, first-year course in Family Law. There is obviously little room left for Judge Shadowing in this curricular orthodoxy, albeit there is potential for tinkering with and moving first-year courses, to either shoe-horn Judge Shadowing into, perhaps, the Criminal Law course, or give it separate status.

Another alternative location: all Canadian law schools add some sort of required methods, system, introduction, *fondements du droit* type course to their first-year five. But the Canadian law school’s article of stolid faith remains: if it’s a little broke, don’t fix it, just re-form by accretion, a little here and there without disturbing the five! Such first-year research-writing-methods courses remain at the margins of the five and few dare to integrate such “methods” training into them. These separate “methods” courses vary widely in content and in student access to supervised research and writing skills, with few signs of practice oriented courtroom and client documentary formularies to work with.

No teacher teaches in the same way or to same sized groups; but any survey of the five course syllabuses across Canada shows that lecture-casebook

pedagogy prevails, with grading too often still focused on the hypothetical-case-type final exam covering all course content and materials from September to April. In finding a place, whether isolated or integrated, Judge Shadowing offers an opportunity to debate root-and-branch reform to the whole first-year curriculum's epistemological and teleological assumptions.

VI. WHAT JUDGE SHADOWING EXPOSES

If the first-year law we teach is beholden to the five core curriculum, what kinds of law do first-year Judge Shadowers encounter downtown?

The constant buzz-word in their course evaluations is "reality", meaning what one student described as being "...excited seeing the application of the law to each situation". Meaning what? By January they have survived three months of the doctrinal five but are anxious with few grades or progress reports. Their curriculum reality puts them into five doctrinal boxes, lectured at from a podium and a casebook collection of select reported appellate court judgments, waiting three more months for grades based on their final essay examinations.

Think for a moment about assumptions about law-learning built into this pedagogical model. For over a century North American law schools have dictated a first-year regime for learning "the law" based on a student first encounter with the five building blocks, each isolated and autonomous within the curriculum. They search ideas, rules and principles extracted from highly select appellate judgments, so-called "leading cases", with the most recent urged as most applicable in court, rooted in a backward genealogical line of case authorities (or so legal historians hope!).

Enter the Judge Shadower into a judge's chamber and courtroom, presuming in January (while in the middle of the five doctrinal courses) to see legal principles put into practice. Are rules about "contract" (offer, acceptance, consideration, etc.) or about "crime" or "tort" or "property" or "the constitution" being cited and applied in the case they are observing? All that the Judge Shadower confronts is a court case file full of procedural forms, court documents and factums. What is the chance that she will ever have been directed in those five courses, or the next two years in law school, to *Canadian Forms and Precedents* (whether O'Brien's or Carswell's)? What they confront are anxious fellow human beings in cases involving family matters, transport and traffic, taxes, debts, threatened forfeitures, housing ownership and rent issues, health, employment, entertainment, violent threats and

assaults, death and estates. The Judge Shadower has yet to see, much less draft, an actual “contract” or a real “property” instrument, or a statement of claim in “tort”, or an indictment or information or affidavit for a “crime”. Course materials rarely include blank form contents of client or trial files and certainly no examples of procedural paper or electronic forms that every litigant and lawyer must secure, complete and file at the court registry when initiating an action.⁷ This reality can overwhelm Judge Shadowers; but they can rest assured that it will rarely penetrate the syllabus of any of the five courses when they get back to campus. For the remaining two years in law school, it will be hit and mainly miss for any of this “reality” to arrive, except for the few who are chosen for a legal aid clinic. Even the standard course books for a Civil Procedure course avoid such realities.

This suggests alternatives that a root-and-branch approach to first-year curriculum reform can offer. Re-build conceptual introductory courses on those human legal topics that make people resort to court. Consider reducing the five core courses to one semester boxes and fill them with an equal balance of casebook theory and courtroom formulary. End the either/or dualism that so enthralls current curriculum debates: doctrine versus skills, thinking versus doing, principles versus practice, and values versus vocation. Each of the five core courses needs both, together! If a separate first-year conceptual course is needed it should blend jurisprudence and legal history to document complexities and pluralisms in trying to define “the law” in terms of the varieties of past legal systems. In each course, balancing learning-by-theory and learning-by-doing requires balancing the case-book with routine, graded assignments that take the student into the library and on-line, to learn how to find their own law, in all of its pluralistic manifestations: customary, local, religious, regulatory, private, delegated.

The Judge Shadower learns at once that the lecture is not the only delivery system for the knowledge and skills needed as a law student, possibly not even the best, even though that is almost all that they encounter on campus, both in large and small classes. Their three-to-four person group learns to teach itself without any faculty member present, with only a mentoring practitioner, mainly the judge but also the adversarial counsels. If

⁷ When Judge Shadowers come back to a five core classroom and ask about such legal instruments, they report that one response is that they must wait until after graduation for the Bar Admission Course for articling, meaning the Law Society's Canadian Centre for Professional Legal Education (CPLED), to learn how to draft wills, contracts and pleadings.

the purpose is to graduate self-sufficient law students, then they need to learn to teach themselves, how to find and apply law. Making them solely dependent on (a) the lecturer, who possibly has not been inside a courtroom recently and may have little to no client experience since articling, and (b) on the casebook, as twin authorities for learning “the law” in the five core courses, may produce an opposite result; and in the early years after graduation, both of these authorities quickly recede into obsolence.

VII. CONCLUSION

Judge Shadowing can only exist where the judiciary provides unlimited support, as Manitoba’s judges generously give. Their mentoring complements and extends classroom learning; and Robson Hall’s core curriculum teachers have consistently responded positively to what Judge Shadowers bring back into their classrooms. In terms of pedagogy and first-year curriculum, Judge Shadowing potentially challenges orthodoxies about what to teach and how to teach it, about what first-year law students need to know. Let this be part of a wake-up call in current debates within Canadian law schools and among law deans and law societies, in the context of Federation of Law Societies mandates. There can be no better way to advance the best interests of tomorrow’s legal and judicial professionals than to begin at the beginning as Judge Shadowers, building better bridges between first-year classrooms and courtrooms.

Appendix: Creating Judge Shadowing at Robson Hall, 2000-2001

This initiative came from the judiciary to show how vital law courts can be in professional legal education. Law schools need to seek out direct interaction with judges and lawyers when designing curriculum.

Judge Shadowing was first proposed by two Manitoba Court of Queen’s Bench Justices, Robert Carr and Jeffrey Oliphant, to Dean Harvey Seter, at a meeting 2 August 2000, also attended by law professors DeLloyd J Guth and Anne McGillivray. It was seen as a natural fit within the existing Legal System course originally designed by Professor Alvin Esau *circa* 1990. The Dean had invited Professor McGillivray to examine that course, which she did in two

reports, (dated 6 and 30 May 2000). The Esau course included a tourist-type assignment for student visits to the Law Courts, and McGillivray now proposed (6 May 2000) a session at Robson Hall to be called “Court Watch by inviting Queen’s Bench and perhaps the Court of Appeal to sit at the law school in the Fall Term” (p 7, item 4). There was no mention of Judge Shadowing, which awaited the outside judicial proposal but clearly could be made to fit into an expanded Legal System course design.

Chief Justice Ben Hewak’s Memorandum dated 5 September 2000, confirmed (QB *Perspectives* #3, Oct 30/00), the Court’s initiative and invited participation from colleagues. Twenty-six Justices (out of 40) immediately volunteered, and that has remained the minimum number ever since. By November 2000, Justice Carr and Professor McGillivray created a protocol for students to follow at the Law Courts (e.g., demeanor, dress, confidentiality, punctuality) and secured the coordinating services on-site of Karen Fulham, Executive Secretary to the Chief Justices and Chief Judge (and now her successor, Aimée Fortier).

Professor McGillivray acted as the law school’s “liaison with the judiciary” during the program’s launch in the Winter semester 2001. It was limited to the Court of Queen’s Bench. Justices Carr and Oliphant met at Robson Hall with the first-year students (9 March 2001) to encourage feed-back. On 9 April 2001, that Court’s internal memo (QB *Perspectives* #5) declared the experiment, in a quote from a student participant, “... a huge success and I hope it continues for many years to come.” And so it has!

In the summer 2001, Dr. Guth assumed full responsibility for logistics and content. He expanded Judge Shadowing to include the Provincial Court of Manitoba, with enthusiastic support from then Chief Judge Raymond Wyant and colleagues. This meant that one judge from each court, both operating at the trial level, is now shadowed by each group of 3-4 students for one day each, frequently with follow-up mentoring meetings. The program is ready to expand again, with on campus sessions for student interaction with crown prosecutors, criminal defence counsels, civil lawsuit attorneys, and administrative tribunal lawyers, all to prepare and inform better the Judge Shadowers.